

Serial No.: 10/808,072  
Office Action Date: 11/30/2005

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### **REMARKS/ARGUMENTS**

Subsequent to the Office Action issued on 10/06/2005, claims 1-28 are pending in the Application. By this office action, claims 3-6, 8-10, 13, 15-21, 24, 26, and 28 have been amended. Claims 1, 2, 11, 12, 22, and 23 have been canceled. Claims 3-10, 13-21, and 24-28 remain in consideration.

### **Specification**

The Office Action brought to applicant's attention the USPTO rules related to word length of the Abstract. An amended abstract is submitted herein, compliant with the stated USPTO rules.

The disclosure at paragraph 0030 was objected to because of informalities. Amended language for paragraph 0030 is submitted hereinabove.

### **Claim Rejections – 35 U.S.C. §102**

The Office Action rejected claims 1, 2, 5, 22, 23, and 28 under 35 U.S.C. § 102(b) as being anticipated by *Yoshida*, USPN 5,699,056.

Claims 1, 2, 22, 23 have been canceled, per the above, in order to place the application in condition for allowance, and not for reasons of patentability. Claim 28 has been amended to be dependent upon allowable claim 24.

### **Claim Rejections – 35 U.S.C. § 103**

Claims 3, 6, 7, 11-15, 17, 18, 21, 24 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Yoshida* in view of *Froeberg* USPN 6,233,517.

It was stated with regard to claims 3, 15, 24, 25, that *Yoshida* fails to disclose updating the information which defines the geographic information, but that *Froeberg* teaches the need to update the geographic region information, referencing Col. 9, Lines 42-48. It was stated that it would have been obvious to one having ordinary skill in the art at the time of the invention to continually update the information which defines the geographic region in order to be able to provide the most recent geographic information to the vehicle and the center as discussed by *Froeberg*.

As the examiner is well aware, for a rejection based upon 35 U.S.C. §103(a) to prevail, the examiner must meet the burden of establishing a *prima facie* case of

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obviousness, i.e. that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combine references; and that the proposed modification of the prior art had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 USPQ2d 494, 496 (CCPA 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 USPQ2d 1016, 1023 (Fed. Cir. 1996).

Newly amended Claim 3, which incorporates the subject matter of claims 1 and 2, sets forth a method of reporting information from a vehicle to a vehicle data collection system, comprising, *inter alia*, storing information which defines a geographic region in a vehicle comprising a predetermined array of cells with each cell having a cell position. A plurality of cell parameters is associated with each cell, the cell parameters comprising a recording interval and a reporting interval. A vehicle position is determined relative to the geographic region, wherein if the vehicle is within the geographic region, the vehicle position is correlated to a vehicle cell. Vehicle data is recorded in accordance with the recording interval of the vehicle cell. The vehicle data is reported to a vehicle data collection system in accordance with the reporting interval. Information which defines a geographic region in a vehicle is stored, the geographic region comprising a predetermined array of cells. The information which defines the geographic region is updated.

Applicant respectfully traverses any rejection of newly amended claim 3 as being unpatentable over *Yoshida* in view of *Froeberg* because *Froeberg* does not disclose the elements of the invention as asserted in the Office Action. Specifically, *Froeberg* neither teaches nor discloses updating the information which defines the geographic region, especially not at the location referenced in the Office Action at Col. 9, Lines 42-48. Instead, *Froeberg* at Col. 9, Lines 42-48 teaches:

Likewise, AVL augmentor 34 caused the AVL system to report in which of the previously partitioned geographic cells vehicles 104 and 106 are located. As the vehicles move in and out of different geographic cells, AVL augmentor continues to supplement the AVL system with the current geographic cell identifier information of each of the monitored vehicles.

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The AVL augmentor supplements the AVL portion of the CAD system with geographic cell information. (Col. 9, Lines 18-30). The disclosure of *Froeberg* is concerned with a system and method for determining which of a plurality of vehicles is able to respond most quickly to an event, taking into account vehicle response time (Abstract). *Froeberg* discloses using operationally determined vehicle response times to upgrade a previous prediction of vehicle response travel time between geographic cells (Col 10, Lines 62-65). However there is no teaching or disclosure related to updating the information which defines the geographic region. Therefore claim 3 is patentably distinguishable from *Yoshida* in view of *Froeberg*.

In the same manner, newly amended claims 15, 24, and 25 are patentably distinguishable. Newly amended claim 15 incorporates the subject matter of claims 11 and 12. Newly amended claim 24 incorporates the subject matter of claims 22 and 23. Claim 25 depends from now allowable claim 24, and is therefore allowable. Reconsideration is respectfully requested.

Claims 4-10 have been amended to be or are ultimately dependent on now allowable claim 3. Claims 13, 14, 16-18, 21 have been amended to be or are ultimately dependent on now allowable claim 15. Claims 25-28 have been amended to be or are ultimately dependent on now allowable claim 24. Therefore each of claims 4-10, 13, 14, 16-18, 21, and 25-28 are patentably distinguishable from *Yoshida* in view of *Froeberg*.

Claims 16, 19, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Froeberg* as applied to claim 12, in further view of *Fastenrath* (USPN 6,329,932) and *Luciani* (USPN 6,505,114). Claims 4, 8, 9, 26, 27 were rejected under 35 U.S.C. § 103(a) as being patentable over *Yoshida* in view of *Fastenrath* and further in view of *Luciani*.

Claims 9, 19, and 20 have been amended to more particularly point and distinctly claim the patentable subject matter of the invention, specifically to claim the recording priority of a cell is determined as a function of a roadway type located within the cell. Assignment of and determination of a recording priority of a cell determined as a function of a roadway type is described and detailed in paragraph 0052 and Table 1 of the specification. Newly independent claim 19 has further incorporated the subject matter of claims 11 and 12.

Applicant respectfully asserts that Claims 19, and 20 are patentably

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distinguishable over *Froeberg* as applied to claim 12, in further view of *Fastenrath* (USPN 6,329,932) and *Luciani* (USPN 6,505,114), and assert that Claim 9 is patentably distinguishable over *Yoshida* in view of *Fastenrath* and further in view of *Luciani* because the aforementioned cited art neither teaches or discloses the recording priority of a cell determined as a function of a roadway type located within the cell.

*Yoshida* discloses a traffic information system which includes an on-vehicle apparatus which is capable of reporting information to a center. Information reported to the center is manually entered or automatically sensed. (See Abstract).

*Froeberg* teaches a system and method for determining which of a plurality of vehicles is able to respond most quickly to an event. (See Abstract). *Froeberg* includes forming geographic cells along jurisdictional boundaries, divided along hydrographic features, and further divided along railway lines, and other selected vehicle-impeding boundaries. (See Col 3, Lines 10-50, Col. 6, lines 54 - 67).

*Fastenrath* teaches a method for determining traffic data at points of interest in a traffic system, to determine mean vehicle speeds at points of interest in a traffic system. As stated by the examiner, *Fastenrath* teaches a need to target certain areas for traffic information such as highway segments, intersections, and traffic jam hotspots.

*Luciani* teaches a method and system for traffic monitoring and prediction of traffic intensity using geographical position information derived from mobile devices in a telecommunications network.

Applicants object to any attempt at equating a “method for determining traffic data” and a “need to target certain areas for traffic information” (quoted from the Office Action) with recording a priority of a cell determined as a function of a roadway type located within the cell, as described in the invention. Applicants respectfully argue that recording a priority of a cell determined as a function of a roadway type, as claimed and described in detail in the invention is not anticipated by a “need to target certain areas”. Furthermore, *Luciani* neither teaches nor describes recording priority of a cell determined as a function of a roadway.

For at least all of the above reasons, Claims 19 and 20 are patentably distinguishable over *Froeberg* as applied to claim 12, in further view of *Fastenrath* and *Luciani*. Claim 9 is patentably distinguishable over *Yoshida* in view of *Fastenrath* and further in view of *Luciani*.

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All remaining depend from one of now allowable independent claims 3, 15, 19, or 24, and therefore are patentably distinguishable for the same reasons as set forth with regard to claims 3, 15, 19, or 24, and therefore should be allowed to issue.

#### Conclusion

Based on the above, it is respectfully submitted that Claims 3-10, 13-21, and 24-28 are in condition for allowance and Applicants pray that same be allowed to proceed to issue. If the Examiner has any questions regarding the contents of the present response, Applicants' attorney may be reached at the phone number appearing below.

Respectfully submitted,

  
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